

L A W S

OF

HIS MAJESTY KALAKAUA,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY

THE LEGISLATIVE ASSEMBLY,

AT ITS SESSION,

1878.

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PUBLISHED BY AUTHORITY.  
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HONOLULU :
PRINTED BY J. H. BLACK,
1878.



SESSION LAWS---1878.

CHAPTER I.

AN ACT

TO AMEND CHAPTER 32 OF THE CIVIL CODE, CONCERNING THE
DESCENT OF PROPERTY.

*Be it Enacted by the King and the Legislative Assembly of the
Hawaiian Islands, in the Legislature of the Kingdom assembled:*

That Section 1455 of the Civil Code be, and the same is
hereby amended so as to read as follows:

“When any part of the property left by the intestate, consists of real estate, and the same is to be divided among several children, and in the opinion of the Probate Court, it is desirable that such real estate or any particular piece thereof, be not divided, then the eldest son, and in succession of age after him, the other sons, or if he or they shall renounce or decline the privilege, then the daughters in like succession may, after the property, or piece of property has been duly appraised by a Court of Probate, elect to pay to the others the amount of their shares in money, in order that the land may not be divided. And the same rule shall apply where a part of the claimants are children, and the rest are issue of deceased children of the intestate.”

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER II.

AN ACT

TO AMEND SECTION 2 OF CHAPTER 41 OF THE PENAL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 2 of Chapter 41 of the Penal Code, be and the same is hereby amended so that the same shall read as follows :

“Section 2. Whoever shall manufacture for sale any intoxicating drink or substance in this Kingdom, shall be liable to a fine of not more than five hundred dollars, and in default of payment of said fine, shall be imprisoned at hard labor not exceeding two years.”

SECTION 3. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER III.

AN ACT

TO AMEND SECTION 646 OF THE CIVIL CODE, RELATIVE TO THE FILING OF PROTESTS AGAINST ISSUING PASSPORTS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

That Section 646 of the Civil Code is hereby amended by adding a new clause, to be entitled “sixth,” which shall read as follows :

“Sixth. The written notice, complaint, or protest and ac-

companying request not to grant a Passport, required by this Section, shall be duly sworn before the Collector of Customs, or any person authorized to administer oaths, and unless so verified, shall have no effect against granting a Passport; nor shall such duly verified notice have such effect after the expiration of ten days from the date of application for the Passport protested against, unless the fact of the existence of such claim or debt, of which notice has been given, shall have been proved to the satisfaction of the Collector of Customs."

Any person falsely swearing to the written notice, complaint, or protest required by this Section, shall be liable to the pains and penalties prescribed by Chapter 27 of the Penal Code.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER IV.

AN ACT

TO AMEND SECTION 350 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 350 of the Civil Code be and the same is hereby amended so that the said Section shall read as follows:

"Section 350. All male residents of Honolulu going to a fire are required to obey the orders of the Chief Engineer, his Assistant Engineers, the Governor of Oahu, and the Marshal of the Kingdom and his Deputies, under a penalty of five dollars for each offence."

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER V.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO REQUIRE THE SALES AND LEASES OF GOVERNMENT LANDS TO BE MADE AT PUBLIC AUCTION.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

That Section 1 of Chapter XLIV of the Session Laws of 1876, being an Act entitled an Act to require the Sales and Leases of Government Lands to be made at Public Auction, shall be and the same is hereby amended so as to read as follows :

“Section 1. All sales or leases of Government lands shall be made at public auction, after not less than thirty days’ notice by advertisement in two or more newspapers published in Honolulu, in both the Hawaiian and English languages, excepting lands and portions of lands of less than three hundred dollars in value. All such sales shall be made at the door of the Government House, at Honolulu, and shall be cried by the Minister of Interior, or by one of his clerks, under his direction, who shall perform this service without extra compensation.”

Notice of sale herein above required to be made, shall contain a full description of the land to be sold, as to locality, area and quality, with a reference to the survey, which shall

in all cases be kept in the office of the Minister, open to inspection of any one who may desire to examine the same.

In case application has been made for purchase of a Government land, and a price has been offered for same, the price offered shall be published in the notice of sale as the upset price for which the land shall be offered at public auction.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER VI.

AN ACT

TO AMEND SECTIONS 3 AND 4 OF THE ACT APPROVED ON THE
18TH DAY OF JULY, A. D. 1870.

*Be it Enacted by the King and the Legislative Assembly of the
Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. That Section 3 of said Act be and the same is hereby amended so as to read as follows :

“It shall not be lawful for the cultivators of Awa to sell Awa to any other person, but the licensed Agents of Government. And it shall not be contrary to law for the licensed Agents of the Government, to sell to any person who has not a certificate from a duly licensed Physician or Surgeon, and the latter part of this section is hereby repealed.”

That Section 4 of the said Act be and the same is hereby amended so as to read as follows :

“Every cultivator of Awa who shall sell to any but licensed Agents of the Government, and every other person who shall sell, without a license shall be subject to a fine not exceeding one hundred dollars, and in default of payment

thereof shall be imprisoned at hard labor of the government, for a period not exceeding six months.”

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER VII.

AN ACT

RELEASING ALL PERSONS SERVING UNDER CONTRACTS ON GOVERNMENT HOLIDAYS, AND ON THE DAY OF ELECTION FOR REPRESENTATIVES.

WHEREAS, It is proper that the whole Nation should observe all Government holidays ; and

WHEREAS, It is almost impossible for parties serving under contracts to vote for the Representative they really desire, owing to their being kept at work on the day of election for Representatives ; therefore

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :

SECTION 1. All persons now serving under contracts, or may hereafter serve under contracts, shall, from and after the passage of this Act, be released from labor on all Government holidays gazetted by the Minister of the Interior, and on the days of election for Representatives ; nor shall they be detained or made to work on any of such days.

SECTION 2. This Act shall become a law from and after the date of its passage ; and all laws and parts of laws conflicting with the provisions of this Act are hereby repealed.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER VIII.

AN ACT

TO AMEND SECTION 892 OF THE CIVIL CODE, TO PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT OF WAILUKU, ISLAND OF MAUI.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom Assembled:

SECTION 1. That Section 892 of the Civil Code be and the same is hereby amended so as to read as follows :

“Section 892. One of the District Justices appointed for the First District of Oahu shall by appointment be Police Justice for the Port of Honolulu; and one of those appointed for the First District of Maui shall be Police Justice for the Port of Lahaina; and one of those appointed for the Second District of Maui shall be Police Justice for the Wailuku District; and one of those appointed for the First District of Hawaii shall be Police Justice for the Port of Hilo.”

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER IX.

AN ACT

TO AMEND CHAPTER 55 OF THE LAWS OF 1876, RELATING TO STAMP DUTIES.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

That Chapter 55 of the Session Laws of 1876, be amended by striking out from the schedule the item on page 139, of

“Process of Courts of Record, all petitions, summonses, attachments or other process, \$2,” and inserting in its place the following, namely, “Original petitions to Courts of Record, summonses to parties, attachments and executions issued by Courts of Record, \$2.”

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER X.

AN ACT

TO AMEND SECTIONS 527 AND 530 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 527 of the Civil Code be and the same is hereby amended by adding “Kahului” as a Port of Entry for vessels from foreign countries, so that the Section as amended shall read as follows :

“Section 527. There shall be and are hereby created the following Ports of Entry and Departure of Foreign Vessels : Honolulu, in the Island of Oahu ; Lahaina and Kahului, in the Island of Maui ; Hilo, Kealakekua, and Kawaihae, in the Island of Hawaii ; Koloa, in the Island of Kauai ; but in passing from port to port, or in any other manner, no foreign vessel shall engage in the coasting trade of this Kingdom.”

SECTION 2. That Section 530 of the Civil Code be and the same is hereby amended by adding “Wailuku” as a Collection District, so that the Section shall read as follows :

“Section 530. The Hawaiian Islands shall be divided into the following Collection Districts : The Island of Hawaii into three, to be called the Districts of Hilo, Kawaihae,

and Kealakekua. The Collection District of Hilo shall comprise all those portions of Hawaii known as Kau, Puna, and Hilo; the Collection District of Kawaihae, all those known as Hamakua and Kohala; and the Collection District known as Kealakekua, all that known as Kona. Of the Islands of Maui, Molokai and Lanai and Kahoolawe. The Collection District of Lahaina shall comprise the Islands of Molokai, Lanai, and the District of Lahaina; the District of Wailuku shall comprise the taxation districts of Makawao, Hana and Wailuku. The Island of Oahu shall be known as the Collection District of Honolulu. The Islands of Kauai and Niihau shall be known as the Collection District of Koloa."

SECTION 3. This Act shall take effect and become a law on the date of its approval; and all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER XI.

AN ACT

PROVIDING FOR SERVICE OF PROCESS ON FOREIGN CORPORATIONS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Every corporation heretofore created by or under the laws of any other State, Kingdom, Empire or Government, and carrying on business in this Kingdom, shall, within four months after the passage of this Act, and any corporation hereafter so created and carrying on business

in this Kingdom, within twenty days after commencing to do business in this Kingdom, designate some person residing in the city or town where the principal place of business of said corporation in this Kingdom is, upon whom process issued by authority of or under any law of this Kingdom, may be served, and within the time aforesaid, shall file such designation in the office of the Department of the Interior; and it shall be lawful to serve on such person so designated any process issued as aforesaid, and such service shall be deemed to be a valid service thereof.

SECTION 2. Every corporation created by the laws of any other country carrying on business in this Kingdom, which shall fail to comply with the provisions of the first Section of this Statute, shall be denied the benefit of the laws of this Kingdom, and particularly of the Statutes limiting the time for the commencement of civil action.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER XII.

AN ACT

TO REPEAL SECTION 2 OF CHAPTER 53 OF THE PENAL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 2 of Chapter 53 of the Penal Code be and the same is hereby repealed.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER XIII.

AN ACT

TO PROVIDE FOR THE LIGHTING OF THE CITY OF HONOLULU WITH GAS, OR BY OTHER ARTIFICIAL MEANS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That whensoever any person or any persons associated together under the general Corporation Act of this Kingdom, shall apply to His Majesty in Privy Council and make evident the ability to perform his or their contract in the premises, it shall be lawful for the Minister of Interior, for the time being, by the advice and consent of His Majesty in Privy Council, on the majority of a vote of the Council duly summoned to consider the question, to enter into a contract with such person or corporation for the purpose of furnishing the city of Honolulu with gas or artificial light.

SECTION 2. It shall be lawful for the said Minister, by and with the advice of the Privy Council as aforesaid, to stipulate and agree with any person so offering to contract for the furnishing of gas or artificial light to the said city of Honolulu, that such person so offering to contract shall have the exclusive and sole right of furnishing such light for a term not exceeding twenty years.

SECTION 3. In entering into any such contract, as in the preceding Section set forth, there shall be a maximum rate expressed at which such light shall be furnished to the consumers; and whereas, the proper lighting of the streets of the city is desirable as a police regulation, the said Minister of Interior shall, upon the advice and consent of His Majesty in Privy Council as aforesaid, include in such contract a stipulation for a sufficient number of lights to be set forth in such contract, for

lighting streets of Honolulu, and the price to be charged for each light, such lights to be under the direction of the police authorities of the city, and to be paid for out of any moneys appropriated for the maintenance of the police of Honolulu.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

X CHAPTER XIV.

AN ACT

TO AMEND SECTION 3 OF CHAPTER 56 OF THE PENAL CODE, RELATING TO THE ACT TO PREVENT MARRIED PERSONS FROM LEAVING ONE ANOTHER.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 3 of Chapter 56 of the Penal Code be and the same is hereby amended by adding thereto a new Section to be called Section 3a.

“Section 3a. If the party complained against shall again leave after the first complaint, if either the husband or wife, he or she shall be sentenced to imprisonment at hard labor for a period not exceeding one year.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER XV.

AN ACT

CONCERNING THE EQUITY JURISDICTION OF THE SUPREME AND
CIRCUIT COURTS.

*Be it Enacted by the King and the Legislative Assembly of the
Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. In addition to the jurisdiction in equity otherwise conferred, the Supreme Court and the several Justices thereof and also the several Circuit Courts shall have original and exclusive jurisdiction of every original process whether by bill, writ, petition or otherwise, in which relief in equity is prayed for, except when a different provision is made, and may issue all general and special writs and processes, required in proceedings in equity to Courts of inferior jurisdiction, corporations and individuals when necessary to secure justice and equity.

SECTION 2. The Supreme Court and the several Justices thereof and also the several Circuit Courts, may hear and determine in equity, all cases hereinafter mentioned, when the parties have not a plain, adequate and complete remedy at the common law, that is to say:

Suits for the redemption of mortgages or to foreclose the same.

Suits and proceedings for enforcing and regulating the execution of trusts, whether the trusts relate to real or personal estate.

Suits for the specific performance of contracts by and against either party to the contract and his heirs, devisees, executors, administrators and assigns.

Suits to compel the delivery of goods or chattels taken or detained from the owner and secreted or withheld so that the same cannot be replevied.

Suits for contribution by or between devisees, legatees or heirs, who are liable for the debts of a deceased testator or intestate and by or between any other persons respectively liable for the same debt or demand, when there is more than one person liable at the same time for such contribution.

Other cases in which there are more than two parties having distinct rights or interests which cannot be justly and definitely decided and adjusted in one action at the common law.

Suits between co-partners, joint tenants and tenants in common, and their legal representatives, with authority to appoint receivers of rents and profits, and apportion and distribute the same to the discharge of encumbrances and liens on the estates or among the co-tenants.

Suits between joint trustees, co-executors and co-administrators, and their legal representatives.

Suits concerning waste and nuisance whether relating to real or personal estate.

Suits upon accounts when the nature of the account is such that it cannot be conveniently and properly adjusted and settled in an action at law.

Bills by creditors to reach and apply in payment of a debt, any property, right, title, or interest, legal or equitable of a debtor, within this Kingdom, which cannot be come at to be attached or taken on execution in a suit at law, against such debtor.

Cases of fraud, and conveyances or transfers of real estate in the nature of mortgages.

Cases of accident or mistake.

Suits or bills of recovery, when a discovery may be lawfully required according to the course of proceedings in equity.

And shall have full equity jurisdiction, according to the usage and practice of Courts of Equity in all other cases

where there is not a plain, adequate and complete remedy at law.

SECTION 3. Cases in equity may be commenced by bill or petition with a writ of subpoena according to the usual course of proceedings in equity, or inserted in an original writ of summons, or of summons and attachment, or by a declaration in an action of contract, or tort as the case may be, with or without an order for the attachment of the property or arrest of the defendant, and shall be returnable at the terms of the Court or on the rule days established by the Court.

The material facts and circumstances relied on shall be stated with brevity, omitting immaterial and irrelevant matters.

SECTION 4. If a discovery is sought, it may be by such bill or petition, or by being made part of such declaration or by interrogatories.

Answers thereto shall be made without unnecessary delay and questions arising thereon be determined by the rules applicable to bills of discovery.

SECTION 5. A defence in equity shall be made by demurrer, plea or answer.

A demurrer shall be accompanied with a certificate that it is not intended for delay and an answer shall be supported by oath, unless waived by the adverse party.

Approved this 30th day of July, A. D. 1878.

KALAKAUA R.

CHAPTER XVI.

AN ACT

TO AMEND SECTION 56 OF THE CIVIL CODE, AS AMENDED ON THE 27TH DAY OF SEPTEMBER, A. D. 1876, AND TO AMEND SECTION 59 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 56 of the Civil Code, as amended on the 27th day of September, A. D. 1876, be amended by adding the following Section, to be designated Section 56a.:

“Section 56a. Said Minister shall also grant to any transient or other person applying therefor in writing, a license to sell by samples, goods, wares, and merchandise, which shall be styled an Agent’s License, and said licenses shall only be granted to transient and local representatives of foreign business houses, who do not conduct or maintain regular places of business within this Kingdom from year to year, but sell or solicit orders from samples, catalogue or other manner.”

The said Agents’ Licenses shall be subject to the same terms and conditions as apply to wholesale licenses.

SECTION 2. That section 59 of the Civil Code be amended by adding the following Section, to be designated Section 59a.:

“Section 59a. No person or persons holding any license whatever within this Kingdom shall permit or allow any transient or other agent to work under their names or license, under penalty of forfeiture of such license.”

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XVII.

AN ACT

TO AMEND SECTIONS 7 AND 8 OF CHAPTER 79 OF THE PENAL CODE, RELATING TO THE BUREAU OF PUBLIC INSTRUCTION.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 7 of Chapter LXXIX of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows :

“Section 7. To enable the Board of Education to carry into execution the design of the last preceding Section, relating to the census, it is hereby authorized to make, through its agents, all proper and necessary inquiries. And all persons are hereby required, under pain of a fine not to exceed fifty (\$50) dollars, to be imposed by any Police or District Justice, to answer to the best of their knowledge, all such questions as shall be propounded by the Agents of the Board, relating to, or necessary for, the making of a complete census.”

SECTION 2. That Section 8 of Chapter LXXIX of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows :

“Section 8. It shall be the duty of every person authorized according to law to perform the marriage ceremony, to report quarterly to the School Agent of the district, the names of all persons married by him.”

It shall be incumbent upon the father, if living, of any child born in this Kingdom, and if not living, or if the child be illegitimate, upon the mother, within three months after the birth of such child, to notify some registrar of births and deaths in the district, of the name and sex and date of the birth of said child. It shall also be incumbent on any min-

ister of religion officiating at burials, any undertaker, hospital officer, health agent, or near relative of legal age, of any deceased person, to inform some registrar of births and deaths in the district, of the name, sex, age, and nationality of the deceased, at any time when applied to therefor by any registrar in the district.

Any neglect to comply with any of the foregoing provisions of this Section, shall subject the delinquent on conviction before any Police or District Justice, to a fine not exceeding twenty-five dollars for each offense.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XVIII.

AN ACT

TO AMEND ARTICLE VI OF THE CIVIL CODE, RELATIVE TO THE
POSTAL LAWS OF THE KINGDOM.

*Be it Enacted by the King and the Legislative Assembly of the
Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. Section 397 of the Civil Code is hereby amended by annexing thereto the following words:

“Before entering upon the duties of his office, the said Postmaster General and likewise the various Postmasters throughout the Kingdom, shall take and subscribe an oath of office, before a Justice of the District, which shall be filed with the Minister of the Interior, said oath shall be in substance, that the affiant will duly and faithfully perform all of the duties of the office, will sustain the inviolability of the postal matter entrusted to his care, and will forward the mails with dispatch.”

SECTION 2. Section 401 of the Civil Code is hereby amended by annexing thereto the words "The master or agent of any ship or vessel, about to leave any port of this Kingdom for any foreign port, shall give due written notice of the day and hour of intended departure, to the postmaster of such port, and shall make oath or affirmation of such notice, before the Collector of the port, before receiving clearance papers."

SECTION 3. Section 402 of the Civil Code is hereby amended by annexing thereto the words "But the Minister of the Interior shall be entitled to compensate such coasting vessels in such cases as are just and equitable."

SECTION 4. Section 403 of the Civil Code is hereby amended by striking out all the Section after the words "Section 403," and inserting in place thereof the following words: "The following shall be the rates of Hawaiian Postage on all mailable matter in classes:

"Class 1—On each letter, sealed package, mail matter, wholly or partly in writing, printed matter, so marked or interlined as to convey other information than that of the original print, all matter not otherwise chargeable with letter postage but concealing any written memorandum; and all matter so wrapped or secured as to prevent its examination without breaking or destroying the wrapper, two cents for each one-half ounce or fraction thereof.

"Where any such matter is sent to, or received from any foreign country, six cents on each one-half ounce or fraction thereof; and in addition to the said rate of six cents, the sea postage shall be collected on such foreign mail matter. Letters to be delivered at the office where mailed, one cent for each one-half ounce or fraction thereof.

"Class 2—On all newspapers, pamphlets, almanacs, calendars, corrected proofs, hand-bills, magazines, maps, sheet music, occasional publications, not bound; posters and other

publications (not bound) designed primarily for advertising purposes or for free circulation, one cent for each four ounces or fraction thereof ; where such matter is sent to or received from any foreign country, one cent on each two ounces or fraction thereof. Editors or publishers may exchange post free. Newspapers published in the Hawaiian Islands, and mailed from the office of publication to subscribers, free.

“*Class 3*—On all books or other bound volumes—either printed or blank—blank cards, book manuscript, card boards, engravings, merchandise, models, samples, seeds, cuttings, roots, bulbs, photographs and all other matter not included in the first or second classes above, one cent for each one ounce or fraction thereof, domestic or foreign.

“All matter pertaining to the second or third class above named shall be so wrapped or secured as to permit of free examination without breaking or destroying the cover or wrapper, otherwise such matter shall be subject to first class postage.

“The sender of any book, paper, or other matter pertaining to the second or third classes, may write upon or within the same, the name and address of the person to whom sent, with a statement that such package was sent by a person named ; and also the name and address of the sender, or any part of such statement.

“No package containing liquids, poisons, glass, explosive chemicals, live animals, sharp instruments, sugar, or any other material liable to deface or destroy the contents of the mail, shall be sent by mail ; nor shall any letter or postal card upon which is written, impressed or engraved any disloyal, lewd, obscene, or indecent words or delineations, nor any disloyal, lewd, obscene or indecent book, paper, pamphlet or other publication, be transmitted through the mail. When the postmaster shall have reason to suspect that any mail matter from a foreign country contains articles subject to customs duties, he may retain the same and cause it to be

opened in the presence of the person to whom directed, and the Collector of Customs, or any person authorized by him. Any person or persons violating or attempting to violate the above restrictions, shall be liable to a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year on conviction before any Police or District Magistrate. No package sent by mail shall exceed four pounds in weight except under the first class. Provided, however, that nothing in this Section contained shall be construed to conflict with the provisions of any Postal Treaty or Convention now existing ; and provided also, that authority and full power are hereby given to the Minister of the Interior, to enter into such Postal Treaties and Conventions, and more especially the International Postal Union of Berne, as shall be necessary or for the public good, and to alter or amend the above rates with foreign countries to conform with such Treaties, Convention or Union and to make the necessary regulations to perfect the same."

SECTION 5. Section 413 of the Civil Code is here amended by inserting after the word "authorized" in the third line thereof the words "and directed" and by striking out the words "shall not be compulsory and it" in the seventh line thereof.

SECTION 6. Section 414 of the Civil Code is hereby amended so as to read as follows :

"Section 414. The Postmaster General and his Clerks employed in the Post Office, and all Postmasters through the Kingdom, shall not be liable to jury service in any Court."

SECTION 7. The Postmaster General is hereby authorized and directed to cause to be prepared for sale at the various Postoffices throughout the Kingdom, Postal Cards, of substantial card board, not to exceed five and one-half inches in length or three and one-quarter inches in width, which shall bear upon the right hand upper corner of one side, a suitable

device and stamp of one cent, to be expressed in the Hawaiian language, and which shall bear upon the stamp side, words directing the address only to be written upon that side. The said postal cards, bearing written or printed words, in either ink or pencil, shall be received for transmission in the mails throughout the Kingdom and no additional postage shall be charged.

SECTION 8. Section 406 of the Civil Code and all other laws and parts of laws contrary to the provisions of this Act, are hereby repealed.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XIX.

AN ACT

TO AMEND SECTIONS 998, 999 AND 1003 OF THE CIVIL CODE,
RELATIVE TO THE DUTIES AND POWERS OF THE COMMISSIONER
OF PRIVATE WAYS AND WATER RIGHTS.

*Be it Enacted by the King and the Legislative Assembly of the
Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. That section 998 of the Civil Code be and the same is hereby amended to read as follows :

“Section 998. In settling such controversies, the Commissioners shall give such decision as may in each particular case appear to them to be just and equitable between the parties interested. Any decision made by a majority of the Commissioners shall be conclusive upon all parties, subject to the right of appeal.”

SECTION 2. Section 999 of the Civil Code, as amended by

an Act approved on the 13th day of May, 1868, be and the same is hereby further amended by inserting the words "and one dollar for the certificate of appeal" after the words "date of such appeal," so that said Section 999 of the Civil Code shall read as follows :

"Section 999. Any party deeming himself aggrieved by the decision of the Commissioners for the settlement of controversies respecting rights of way and rights of water, may appeal therefrom to the Circuit Court of the respective circuits, or to the Supreme Court, which Circuit Court or Supreme Court shall hear and determine the case in banco and allow the introduction of new evidence, provided, however, that any party desirous of so appealing, shall give notice of the same to the Commissioners within five days after the rendition of their decision, and pay to the Commissioners the costs accrued to the date of such appeal, and one dollar for the certificate of appeal, and deposit with the Commissioners a bond in the sum of one hundred dollars, with sufficient surety to be approved by a majority of said Commissioners conditioned for the payment of the costs further to accrue, in case the appellant is defeated in the Court above, whereupon a certificate of appeal shall be granted."

SECTION 3. That Section 1003 of the Civil Code be and the same is hereby amended by inserting the words "to enforce judgment" after the word "witnesses" in the third line, so that the Section shall read as follows :

"Section 1003. The said Commissioners shall have the like power to administer oaths, to punish contempts, to grant adjournments, to subpœna and compel the attendance of witnesses, to enforce judgment, and issue execution for costs, as is conferred by law upon Police Courts."

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XX.

AN ACT

TO REGULATE THE LANDING OF PASSENGERS ARRIVING AT THE
DIFFERENT PORTS IN THIS KINGDOM.

WHEREAS, Large bodies of emigrants are now passing from Asia to the coast of South America, and the ships conveying them are liable to stop at Ports of this Kingdom ; and whereas further, it is inexpedient that such passengers should be allowed to land in considerable numbers, without being subjected to observation and inspection ; therefore

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That any ship passing from China or any other Asiatic port, and calling at any Port in this Kingdom on her voyage, shall not be permitted to disembark passengers at any Port in this Kingdom, without first having obtained the assent in writing of the Governor of the Island, or the Collector of the Port at which such ship may call.

SECTION 2. Be it further enacted, Before the Governor or Collector of the Port as aforesaid shall grant such permit to land any passengers, as in the preceding Section set forth, the commander of the vessel shall furnish in duplicate a list of the passengers whom he desires to land, and the permission, if granted by the Governor or Collector as aforesaid, shall be signified by inscribing the same on one copy of the said list, and returning it to the master of the vessel as aforesaid.

SECTION 3. Be it further enacted, That if the commander of any vessel, passing from China or any Asiatic port, carrying passengers, as in the preceding Sections set forth, shall disembark or allow to be disembarked, any passengers with-

out first having obtained the permission as aforesaid, such commander shall be liable to a fine of twenty dollars for each and every passenger disembarked or allowed to disembark, which said fine shall be recoverable before any Police or District Justice.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXI.

AN ACT

TO AMEND THE STATUTES AUTHORIZING PAYMENT OF ROAD TAXES TO BE COMMUTED BY LABOR.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The following laws relating to the road tax are hereby repealed, namely: Sections 488, 489, 173, 174, 175, 176, 177, 178, 179 and 183 of the Civil Code, and Chapter 13 of the Act of 1874, being an Act entitled "An Act to amend Section 488 of the Civil Code," approved on the 13th day of July, A. D. 1874, and the Act approved August 23d, A. D. 1862, being an Act entitled "An Act to amend the existing laws relating to the road tax," except Section 8 of the last mentioned Act.

SECTION 2. All carts and drays shall be subject to an annual road tax of two dollars, in lieu of the work required to be performed by Section 7 of the said last mentioned Act.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXII.

AN ACT

TO AMEND AN ACT APPROVED ON THE 13TH DAY OF MAY, A. D. 1868, PROVIDING "FOR THE PROTECTION OF LIFE AND PROPERTY AGAINST EXPLOSIVE SUBSTANCES OTHER THAN GUNPOWDER."

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the Act entitled "An Act for the protection of life and property against explosive substances other than gunpowder," approved on the 13th day of May, A. D. 1868, is hereby amended by adding the following Section, to be designated Section 3a :

"Section 3a. It shall not be lawful for any person or persons to import into this Kingdom, or sell within this Kingdom, benzole, petroleum, kerosene oil, or any oils of which the component part is naphtha or gasoline, which gives off an inflammable vapor at a temperature of less than one hundred degrees Fahrenheit; and whoever shall import, sell, give or furnish, to any person in this Kingdom, benzole, petroleum, kerosene oil, or any oils of which the component part is naphtha or gasoline, which gives off an inflammable vapor at a temperature of less than one hundred degrees Fahrenheit, shall be deemed guilty of a misdemeanor, and on conviction before a Police Magistrate or any District Justice, shall be punished by a fine not less than fifty dollars nor more than five hundred dollars, or by imprisonment at hard labor not more than one year, or both fine and imprisonment, in the discretion of the Court."

SECTION 2. This Act shall become a law from and after thirty days from the date of its publication.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXIII.

AN ACT

TO PROVIDE FOR THE ARREST AND PUNISHMENT OF OFFICERS AND SEAMEN REFUSING DUTY ON OR DESERTING FROM HAWAIIAN VESSELS ENGAGED IN THE FOREIGN TRADE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Any officer or seaman legally attached to any Hawaiian vessel engaged in the foreign trade who shall refuse duty on or desert from any such vessel, shall, upon conviction before any Police or District Justice, be subject to a fine not exceeding fifty dollars and costs, and in default of payment of such fine and costs be imprisoned at hard labor not exceeding six months. And may be ordered to be returned to his vessel.

SECTION 2. Any Police or District Justice may, on complaint made by the master, owner or agent of any such vessel, issue his warrant for the arrest of any person charged with either of the said offenses.

SECTION 3. It shall be lawful for the Marshal or his Deputy, or any Sheriff or Gaoler having in his custody any person convicted under the provisions of this Act, when the vessel to which such person is attached is about to proceed upon her voyage, upon the requisition of the master of such vessel, and upon payment of the costs of the prosecution, to deliver such person on board his said vessel, notwithstanding the term of his sentence shall not have expired.

SECTION 4. Upon the hearing of any such complaint as aforesaid, the shipping articles certified by any Hawaiian Consul or Commercial agent shall be prima facie evidence of the legal shipment of the party accused.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXIV.

AN ACT

TO AMEND SECTION 498 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 498 of the Civil Code be and the same is hereby amended so as to read as follows:

“Section 498. For taxation, educational and judicial purposes, the several Islands shall be divided into the following Districts:

“The Island of Hawaii shall be divided into eight Districts, as follows: 1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua.

“The Islands of Maui, Molokai, Lanai and Kahoolawe shall be divided into six Districts, as follows: 1, From Kahakuloa to Ukumehame, including Kahoolawe, to be called the Lahaina District; 2, From Waihee to Honuaula, inclusive, to be called the Wailuku District; 3, Kahikinui, Kaupo, Kipahulu, Hana and Koolau, to be called the Hana District; 4, Hamakua, Hamakuapoko, Haliimaile, Makawao and Kula, to be called the Makawao District; 5, Molokai; 6, Lanai.

“The Island of Oahu shall be divided into five Districts, as follows: 1, From Maunaloa to Moanalua, inclusive, to be styled the Honolulu District; 2, Ewa and Waianae, to be styled the Ewa District; 3, Waialua; 4, Koolauloa; 5, Koolaupoko.

“The Islands of Kauai and Niihau shall be divided into six Districts, as follows: 1, From Nualolo to Hanapepe, inclusive, to be styled the Waimea District; 2, From Wahiawa to Mahaulepu, inclusive, to be styled the Koloa District;

3, From Kipu to Wailua, inclusive, to be styled the Lihue District; 4, From Waipouli to Kilauea, inclusive, to be styled the Kawaihau District; 5, From Kalihiwai to Honopu, inclusive, to be styled the Hanalei District; 6, Niihau.”

SECTION 2. This Act shall take effect from and after the date of its passage.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXV.

AN ACT

TO AMEND SECTIONS 3 AND 4 OF CHAPTER 79 OF THE PENAL CODE, RELATING TO THE BUREAU OF PUBLIC INSTRUCTION.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 3 of Chapter 79 of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows:

“Section 3. The teachers of all day schools for the education of native Hawaiian children, shall keep a correct register of the names, sex, age, as far as ascertainable, and the places of residence of the children attending their respective schools, and no teacher of any such school shall grant a release to any child under (15) fifteen years of age, who shall be registered as attending his school, for the purpose of entering another school, unless the consent and approval of the parent or guardian of such child shall be given in writing to the teacher; or unless authorized to grant such release by the School Agent of the district, for good reason shown to his satisfaction. In every such case a certificate of release in writing, shall be granted by the teacher, setting forth the facts in the case.”

SECTION 2. That Section 4 of Chapter 79 of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows :

“Section 4. No teacher of any day school for the education of native Hawaiian children, shall receive into his school, any child under (15) fifteen years of age, who shall have attended another school of this class in the district, unless such child shall produce to the teacher of the school to be entered, a certificate of release signed by the teacher of the school last attended by such child.”

Provided however that children from one district desiring to enter school in another district, may be received or admitted without producing a certificate of release from the school last attended in another district.

The teacher of any such school who shall violate any of the provisions of this, or of the foregoing Section, shall, upon conviction thereof, before any Police or District Justice, be subject to a fine not exceeding ten dollars for each offense.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXVI.

AN ACT

TO AMEND AN ACT ENTITLED “AN ACT RELATING TO DIVORCE,”
CHAPTER 16 OF THE LAWS OF 1870.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Section 2 of Chapter 16 of the Laws of 1870, is hereby amended by striking out the last part thereof, beginning with the words “The Circuit Court shall not act,” and inserting in place thereof the words “Libels for Divorce

shall be heard by a Justice of the Supreme Court, presiding at a regular term of the Supreme or Circuit Court."

SECTION 2. Section 3 of said Chapter is hereby amended by striking out the words "expiration of forty days from the" in the 8th and 9th lines thereof: the word "even" in the 12th line and inserting in its place the word "unless," and the word "thirty" in the 13th line, and inserting in place thereof the word "twenty," so that said Section as amended shall read as follows:

"Section 3. All proceedings for Divorce shall be commenced by libel, to be signed by the libellant, and sworn to, and the same shall set forth the marriage of the parties and the cause of Divorce with sufficient particularity to constitute a case for judicial action. Such libels shall be filed in the office of the Clerk of the proper Court, and upon filing thereof, a writ of summons, with a certified copy of the libel attached, shall be issued returnable at the term of the Court next after the day of filing the same. Such process shall be served by delivering the same personally to the respondent; and the Court shall not entertain jurisdiction of such libel, unless by consent of the respondent, unless such personal service shall have been completed more than twenty days before the first day of the term, to which the same shall be returnable, except as provided in the following Section."

SECTION 3. Section 6 of said Chapter is hereby amended by annexing thereto, after the last word thereof, the following words: "The fourth ground for refusing a decree above mentioned, shall not be applied to an application for Divorce for any other cause than that of adultery, nor shall any allegation with reference to such cause be necessary in the libel."

SECTION 4. Section 8 of said Chapter is hereby amended by striking out the words "a conditional," in the third line, and inserting in place thereof the words "an absolute," and

by striking out all the rest of the Section after the words "shall be entered."

SECTION 5. Section 9 of said Chapter is hereby repealed.

SECTION 6. Section 11 of said Chapter is hereby amended by striking out the last three lines thereof, beginning with the words "unless the error appears."

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXVII.

AN ACT

TO REGULATE THE CARRYING OF PASSENGERS AND FREIGHT AND THE LETTING TO HIRE OF CARRIAGES, WAGONS, CARTS, DRAYS AND OTHER VEHICLES IN THE DISTRICT OF HONOLULU.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of the Interior, subject to the conditions hereinafter contained, is hereby authorized to grant licenses, one year each in duration, in the district of Honolulu, for the carrying of passengers for hire, in carriages, wagons and other vehicles. For each license so granted there shall be paid a sum equal to one dollar for each person up to the full carrying capacity of the vehicle.

SECTION 2. The Minister of the Interior, subject to like restrictions as mentioned in the preceding Section, is authorized to grant licenses for one year each in duration, in the district of Honolulu, for the carrying and transportation of freight for hire, in wagons, carts, drays and other vehicles

upon payment of two and a half dollars for each license so granted.

SECTION 3. For the purposes of this Act, the Marshal of the Kingdom, and in case of his absence his Deputy, shall be ex-officio inspector of carriages and carts, and it shall be his duty to inspect all vehicles used, and to be used for hire, under the license provided for herein; and to prosecute for violations of the requirements of this Act and of the rules and regulations to be made from time to time by the Minister of the Interior.

SECTION 4. Before any license as herein provided for shall be issued, the applicant shall file with the Minister of the Interior, a certificate signed by the said inspector, which shall state that he has inspected the vehicle for which a license has been asked, and that it is sound and fit for the required service. If for the carrying of passengers, it shall also state how many adult passengers can be carried at one time; it shall further state what number of horses or other animals will be used to draw such vehicle.

SECTION 5. Upon the filing of the certificate required by Section 4, the license by this Act authorized, may be issued in place thereof, provided no good reasons to the contrary appear. Such license shall be classed as "Class A" for the carrying of passengers, and "Class B" for the transportation of freight, and shall be severally numbered in their respective classes according to the order of their issuing.

SECTION 6. The owner of each licensed vehicle shall continually exhibit in a conspicuous place the number of its license, under penalty of five dollars for failure thereof. No vehicle licensed to carry passengers, shall carry more than its full licensed capacity, at any one time, under penalty upon the licensee of a fine of double the amount of the license

for each passenger in such excess. No vehicle licensed to transport freight shall carry more than one ton, of two thousand pounds, for each drawing horse or other animal, under penalty upon the licensee of double the license.

SECTION 7. The Minister of the Interior may, from time to time, make rules and regulations to be observed by licensed carriers of passengers and freight, a copy of which rules and regulations shall be furnished to each holder of a license at the time of taking such license, and from time to time, whenever such regulations are changed, which regulations shall be published in some public newspaper, and shall have the force of law.

SECTION 8. The Police Justice of Honolulu is hereby authorized to take cognizance of all cases arising under this Act, and whensoever, in his discretion it may seem just, he may, in addition to the fines prescribed by this Act, deprive any holder of a license of the same.

SECTION 9. If the owner of any vehicle shall hire or allow the same to ply for hire within the district of Honolulu, without obtaining such license as aforesaid, he shall forfeit and pay for every offence, the sum of twenty-five dollars.

SECTION 10. For the purposes of the last Section, the person or persons in charge of any such vehicle at the time of the commission of the offense therein mentioned, shall be deemed to be the owner thereof.

SECTION 11. Nothing in this Act shall be held to conflict with the provisions of Section 35 of Chapter 55 of the Penal Code.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXVIII.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCREASE THE IMPORT DUTIES UPON CERTAIN GOODS," APPROVED THE 27TH DAY OF SEPTEMBER, 1876.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 1 of an Act to increase the import duties on certain goods, approved the 27th day of September, A. D. 1876, be and the same is hereby amended to read as follows :

"Section 1. There shall be levied, collected, and paid upon the following goods imported into this Kingdom duties *ad valorem* as follows, to wit :

"Silks, satins, and silk velvet, and all articles of which silk shall form the principal material, ten per cent. ;

"Clothing ready made, and wearing apparel of every description, made up in whole or in part, ten per cent. ;

"Carriages of all descriptions, ten per cent. ;

"Hats and caps of all kinds, ten per cent. ;

"Linens, and all manufactures of which flax, grass cloth or a similar material shall form the principal part, ten per cent. ;

"Crockery and glassware of every description, ten per cent. ;

"Drugs and medicines, patent and other, ten per cent. ;

"Furniture of all kinds, if upholstered or carved, manufactured in whole or in part, ten per cent. ;

"Millinery goods, beads, braids, bonnets, buttons, corsets, collars, sleeves and cuffs, edgings, flowers (artificial), feathers (fancy), fringes for clothing, and for upholstery, ten per cent. ;

“Gloves and mitts not otherwise provided for, ten per cent.;

“Gimps for clothing, ten per cent.;

“Hoop-skirts, ten per cent.;

“Hooks and eyes, ten per cent.;

“Insertions, laces, and lace goods of all descriptions, ten per cent.;

“Ribbons not otherwise provided for, ten per cent.;

“Silver plate, plated ware or gilt ware, ten per cent.;

“Britannia ware and fancy metal ware, ten per cent.;

“Tea, ten per cent.;

“Matches of all kinds, ten per cent.;

“Cigarettes and all descriptions of paper cigars, twenty-five per cent.;

“Jewelry, and all descriptions of metal, glass or stone beads, ten per cent.;

“Paintings, pictures, engravings, statuary, bronzes, ornamental work of metal, stone, marble, plaster of Paris or alabaster, and all imitations thereof, ten per cent.;

“Perfumery (other than that which pays a spirit duty), powders, hair, tooth, nail and other toilet brushes, ten per cent.;

“Soaps, ten per cent.;

“Pipes (smoking), pipe stems, bowls and fixtures, cigar holders, twenty-five per cent.;

“Candies, ten per cent.;

“Candles, ten per cent.;

“Peanut oil, twenty-five per cent.;

“Toys, ten per cent.;

“Fire-arms, ten per cent.;

“Ammunition, ten per cent.;

“Fire-works and fire-crackers, twenty-five per cent.;

“Watches and clocks, in whole or in part, ten per cent.;

“Playing cards, ten per cent.”

SECTION 2. That Section 2 of the said Act be and the same is hereby amended to read as follows :

“Section 2. There shall be levied, collected, and paid upon the following goods imported into this Kingdom specific duties as follows, to wit :

“On kid and all other leather and skin gloves, three dollars per dozen pairs;

“On cigars and cheroots, ten dollars per thousand;

“On China tobacco, fifty cents per pound;

“On camphor trunks, in nests of four, two dollars per nest; and in nests of two, one dollar per nest;

“On China matting, one dollar per roll;

“On port, sherry, Madeira and other wines of like nature above eighteen per cent. of alcoholic strength; also on all cordials, bitters and other articles of any name or description containing alcohol, or preserved in alcohol or spirits above that rate of strength and below thirty per cent. unless otherwise provided for, two dollars per gallon;

“On champagne, sparkling Moselle, and sparkling hock, three dollars per dozen reputed quarts, and one dollar and fifty cents per dozen reputed pints;

“On claret, Rhine wine, and other light wines under eighteen per cent. of alcoholic strength, not otherwise provided for, forty cents per dozen reputed quarts, twenty cents per dozen reputed pints, and fifteen cents per gallon if in bulk;

“On ale, porter, cider, and all fermented drinks not otherwise provided for, forty cents per dozen reputed quarts, twenty cents per dozen reputed pints, and fifteen cents per gallon if in bulk.”

SECTION 3. The provisions of this Act shall extend and apply to all goods in bond at the time it shall come into operation.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXIX.

AN ACT

TO PROMOTE THE CONSTRUCTION OF RAILWAYS.

WHEREAS, good roads are absolutely necessary to develop the resources of many parts of the Kingdom, and Railroads are essential to bring produce to safe ports: Therefore,

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Power and authority is hereby given to the Minister of the Interior, by and with the consent of His Majesty in Privy Council, to enter into contract with any association of persons who may associate themselves together under the General Corporation Act of this Kingdom, and by the general law in relation to Corporations and subject to all the provisions thereof, for the purpose of building and operating a Railroad or Railroads in any part of this Kingdom.

SECTION 2. And the said Minister, with the consent of His Majesty in Privy Council, shall have power and authority to grant a right of way through all government lands, and to grant such government lands as may be necessary for their buildings, stations, depots, and stores, or other structures, and also the free use of water, to any corporation as aforesaid for the purpose of building such railroad or railroads.

SECTION 3. For the purposes and subject to the provisions and restrictions of this Act, the corporation may, from time to time, exercise any of the following powers:

It may enter upon any lands which may adjoin upon the line of any railway which may be authorized by charter to be made, and may bore, dig, cut, trench, embank and drain, and may remove or lay, take, carry away, and use any earth,

gravel, stone, timber or other things dug or obtained therein or otherwise in the execution of any powers hereafter given, and which may be proper for the making, maintaining, altering, repairing, or using any railway lawfully authorized, or which may obstruct the making, maintaining, altering, repairing, or using of the same.

It may make, in, upon, across, under or over any such lands, or any street, roads, ways, railroads, tramways, hills, valleys, rivers, canals, water courses, or waters, such temporary or permanent inclined planes, tunnels, cuttings, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, fences, and other works and conveniences as it thinks proper.

It may alter the course of any rivers, not navigable, canals, brooks, streams or water courses during such time as is necessary for constructing or maintaining tunnels, bridges, or other works over, under, or affecting the same; and may temporarily or permanently alter the course of any such rivers or streams, or raise or sink the level of any such rivers, or streams, streets, roads or ways in order the more conveniently to carry the same over or under or by the side of any railway.

It may make drains or conduits into, through, or under any lands adjoining the railway for the purpose of conveying water from or to the railway, and upon the railway, or any lands adjoining or near thereto.

It may make such piers, jetties, stations, sidings, wharves, warehouses, toll-houses, and other houses, yards, engines, machinery, signal posts and other apparatus, works and conveniences whatsoever connected with the railway as the corporation may think proper; and may from time to time alter, repair, or discontinue any such apparatus, works and conveniences and substitute others in their stead.

It may fell or remove any timber or other trees being

within two hundred feet from either side of the railway which, by their liability to fall or otherwise, might obstruct or injure the railway.

It may also fell or cut down and remove any trees or wood, whether timber or other trees, or scrub or underwood which, by reason of the line making a curve or otherwise, may obstruct or impede a view of any signal post from any portion of the line which shall be within one mile in a right line from any such signal post.

It may enter upon and use any existing private road, being a road graveled or formed with stones or other hard materials, and not being an avenue or approach to any dwelling house.

It may enter upon and take, purchase and hold all such lands, tenements and hereditaments as may be required for the purposes of the railway and works connected therewith.

It may do all other things necessary or convenient for making, maintaining, altering or repairing and using the railway.

SECTION 4. In the exercise of the powers mentioned in the last preceding Section, the corporation shall do as little damage as can be; and shall make full compensation in manner in this Act provided, to all parties interested for all damage sustained by reason of the exercise of such power.

SECTION 5. The lands to be taken or used for the line of any railway lawfully authorized, shall not exceed one hundred feet in width, except where greater width is necessary for engines or carriages to turn, stand in, or pass each other, or for stations, or for raising embankments, or for crossing valleys or low grades, or for cutting through high grounds, or for the erection or establishment of any fixed or permanent wharf, warehouse, toll-house, machinery, or other building or erection, or for excavating, removing or depositing earth or other material.

SECTION 6. Subject to the restrictions hereinafter mentioned, the corporation may, without previous payment, tender or deposit, enter upon and use any lands adjoining or lying near the railway for the purpose of taking earth or soil by side-cuttings therefrom, or of depositing, working or manufacturing upon such lands any earth, clay, stones, brick, slates, timber, lime or other materials, or of obtaining materials therefrom for the construction or repair of the railway or works, or for making temporary roads or approaches to or from the railway or works, or for any other purpose necessary to the construction and maintenance of the railway.

SECTION 7. Before it makes such temporary use of any such lands, the corporation shall give twenty-one days' notice of such intention to the owners or occupiers of such lands, except in the case of accident, the railway requiring immediate reparation, or where the owners cannot be ascertained; and shall separate, by sufficient railings or fences, so much of the lands as is required to be so used from the other lands adjoining thereto.

SECTION 8. The corporation shall not make such temporary use of any such lands lying at a greater distance than one hundred feet within a town, or three hundred feet elsewhere from the railway, or make bricks, or place a steam engine upon any of such lands at any place not distant at least five hundred yards from any dwelling house, without the consent of the owner or occupier thereof.

SECTION 9. The corporation shall, until any land taken by it for temporary use, be given up to the owner, or purchased by it under the provision hereinafter in this Act contained, pay to the owner, half yearly, reasonable compensation for the use of such land and for any damage or injury done to the crop or to the surface of the land or otherwise; and such compensation shall be settled—if the corporation cannot agree with the owner—as in the case of disputed compensation;

but in determining the amount of such compensation no payment or allowance shall be made for the earth, gravel or other materials taken, further or otherwise than as the removal or taking thereof shall or may have injuriously affected the value of the land or the occupation or enjoyment thereof.

SECTION 10. Except in the case of such accident as aforesaid, no stone quarry which, for the period of twelve months immediately preceding, shall have been commonly worked or used for getting materials for the purpose of selling the same shall, without the consent of the owner and occupier thereof respectively, be taken or used for any of the purposes hereinbefore mentioned.

SECTION 11. The compensation to be paid for any lands to be purchased or taken from any person under any disability and not having power to sell and convey or release such lands, except under this Act, and the compensation to be paid for any damage or injury to any such lands, may be agreed on between the corporation and such persons.

SECTION 12. When the corporation gives notice of its intention to take any lands for railway purposes, and failing to agree as to the compensation to be paid in respect thereof, the compensation is to be determined as in cases of disputed compensation, if the corporation deem it inexpedient to pay the amount of compensation so determined, the corporation may, within twenty days after notice to it, of the amount of compensation so determined, withdraw the said first mentioned notice.

SECTION 13. In every case of disputed compensation for lands required for railway purposes, the person claiming the compensation shall deliver to the corporation a statement in writing of the estate or interest or of the damage or injury in respect of which he claims compensation and of the amount which he is willing to accept in full for such compen-

sation; and every such statement so delivered shall be preserved by the corporation, and every such dispute may, by agreement, between the claimant and the corporation, be referred to the arbitration of two persons, one of whom shall be appointed by the corporation and the other by the person claiming the compensation; and in case of difference between them, of some person to be appointed by the other two before entering upon the reference.

SECTION 14. In every case of disputed compensation not so referred to arbitration, either of the parties in difference, and in every case in which the person entitled to compensation is absent from this Kingdom or is not known to the corporation, or cannot after diligent inquiry be found, or an agreement as to compensation is not come to, then the corporation may apply in the case of a claim against it to any Justice of the Supreme Court, to nominate some persons to determine the amount of compensation to be paid to the person claiming or entitled to compensation; and the persons so nominated shall determine and award on the matter as the sole arbitrator thereon.

SECTION 15. Before making any such application, either party shall give at least fourteen days' notice to the other of the intention to make such application, or where the person interested in the compensation is absent from this Kingdom, or is not known to the other party in difference, or cannot, after diligent inquiry, be found, notice of such intention shall be given by advertisement in two newspapers, published in Honolulu, fourteen days at least, before making such application; and every such notice shall describe the land in respect of which compensation is to be assessed, and shall specify the time and place at which such application will be made.

SECTION 16. The nomination by any such Justice of a person to be such sole arbitrator, shall be made in writing,

and in duplicate, and shall be delivered to each party, known, and resident within this Kingdom.

SECTION 17. In determining the value of the land taken and the damage (if any) to be sustained by reason of the severing of the lands taken from other lands of the same owner or of such other lands being otherwise injuriously affected by the exercise of the powers of this Act, the enhancement of the value of such other lands by railway, or otherwise shall be taken into consideration in the reduction of the amount which would be otherwise awarded.

SECTION 18. Every award in cases of disputed compensation, shall state whether there are any lands of the same owner adjoining the lands taken or to be taken; and if there be any such adjoining lands, what allowance (if any) has been made for the enhanced value of the same; and if no such allowance is intended to be made, the award shall so state; and if any award shall omit any statement hereby required to be made, the same shall be void. And every such award may be made a rule of the Supreme Court, and enforced accordingly.

SECTION 19. Where lands are acquired by the corporation under the provisions of this Act, but are not required for the purposes thereof, the corporation, within the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the Charter for the completion of the works, shall absolutely sell and dispose of all such superfluous lands and apply the purchase money arising from such sale to the purpose of the Charter, and in default thereof, all such superfluous lands remaining unsold at the expiration of such period, shall thereupon vest in and become the property of the owners of the lands adjoining thereto in proportion to the extent of their lands respectively adjoining the same.

SECTION 20. Before the corporation dispose of any such superfluous lands, they shall, unless such lands be situated within a town, or be lands built upon, or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot, after diligent inquiry, be found, then the like offer shall be made to the person, or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and when more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession, one after another, in such order as the corporation shall think fit.

SECTION 21. If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the corporation; or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before a Justice by some person not interested in the matter in question, stating that such offer was made and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not, after diligent inquiry, be found, or were not capable of entering into a contract for the purchase of such lands, shall, in all Courts, be sufficient evidence of the facts therein stated.

SECTION 22. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the corporation do not agree to the price thereof, then

such price shall be ascertained by arbitration; and the costs of such arbitration shall be in the discretion of the arbitrators.

SECTION 23. The corporation shall fence in the line of Railway with a good and sufficient legal fence.

SECTION 24. The corporation may, from time to time, make by-laws and regulations for the management and control of the Railway, and for regulating the traffic thereon; and such by-laws and regulations on being approved by the King in Cabinet Council, shall have the force of law. Provided the corporation shall, at all times, cause a copy of such by-laws and regulations to be posted and exhibited at the principal stations on the line of Railway.

SECTION 25. Any person violating any by-law or regulation approved as aforesaid, shall be subject to a fine not exceeding twenty-five dollars and costs; and in default of payment, shall be imprisoned for any term not exceeding three months.

SECTION 26. Police and District Justices shall have jurisdiction to hear and determine all cases arising under this statute or the by-laws and regulations made under the authority hereof.

SECTION 27. And be it further enacted, that the said Minister is hereby authorized to guarantee to any corporation that shall undertake any such Railroad or Railroads, a profit of not less than five per cent. per annum on the cost of their Road or Roads and equipment thereof. Provided always, that in any contract which may be made, the extreme amount on which such guarantee is to be paid, shall be plainly set forth; and provided further, that when any such Road shall have been finished, the actual cost of the Road and its equipment shall be correctly made up and filed in the office of the Minister of the Interior; and pro-

vided further, that it shall be lawful for the Minister of the Interior, if it shall seem to him desirable, to refer the accounts of construction to two arbitrators mutually chosen, one by the said Minister, and one by such corporation or their agents, who shall choose a third, and the certificate of a majority of such referees, duly sworn to before some Justice of the Supreme Court, shall be taken to be the cost of the said Road and its equipments.

SECTION 28. And be it further enacted, that the Minister of Finance is hereby authorized and required to pay on the certificate of the Minister of the Interior, to the corporation or corporations in this Act contemplated, such sums of money as may be ascertained to be due by virtue and authority of the preceding Section out of any moneys which may at the time be in the Public Treasury, not otherwise appropriated.

SECTION 29. And be it farther enacted, that all the stock and shares in and all property of any corporation which may undertake the building of any Railroad or Railroads by the authority of this Act, shall be exempt from all public taxation until such time as the property, stock or shares of any such corporation shall realize ten per cent. per annum on the amount invested.

SECTION 30. And be it farther enacted, that any corporation which may be organized, and undertake the building of any Railroad or Railroads, in pursuance of the authority of this Act, and in accordance with it, may issue bonds to raise money for the construction of such Railroad or Railroads, in such sums as may be convenient.

SECTION 31. And be it farther enacted, that the aid by this Act contemplated, shall be only extended to Railroads of public utility, and not to Railroads of mere private or limited convenience.

Approved this 1st day of August, A. D. 1878.

CHAPTER XXX.

AN ACT

TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO TAKE POSSESSION OF WHATEVER LAND AND WATER MAY BE REQUIRED FOR THE USE OF THE HONOLULU WATER WORKS," APPROVED ON THE 18TH AUGUST, 1860, AND AMENDED THE 18TH JULY, 1874.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 1 of an Act entitled "An Act to authorize the Minister of the Interior to take possession of whatever land and water may be required for the use of the Honolulu Water Works," approved the 18th August, 1860, and amended the 18th July, 1874, be and the same is hereby amended to read as follows:

"Section 1. The Minister of Interior is hereby authorized and empowered, in accordance with the provisions of this Act, to enter upon and take possession of and hold for the use of the Government, such land and water, real estate and property, saving and excepting the water springs of Kuna-wai, Wailuakio, and Kanewai, as may be required for the use, maintenance, increase, and development of the Honolulu Water Works, in the way of laying water pipes, digging water leads, building dams and reservoirs, and reserving forest land, or land for the growth of forest-vegetation, on the southern and western slopes of the Konahuanui range of mountains in the District of Honolulu, and laying between and including the eastern side of Palolo Valley and the western side of Kalihi Valley, with all spurs and gulches of the said slope between the said limits."

Approved this 3rd day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXXI.

AN ACT

REGULATING THE PRACTICE OF LAW IN THE POLICE AND DISTRICT COURTS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

That Chapter 21 of the Civil Code concerning attorneys and counsellors at law be amended by adding thereto the following Sections:

“Section 1074a. The Supreme Court and the several Circuit Courts shall have power to examine and admit as practitioners in the Police and District Courts of the Kingdom such persons, being Hawaiian subjects of good moral character and having taken the oath of office, as said Courts may find qualified for that purpose.”

“Section 1074b. Said licenses shall be for the term of two years and shall be limited to the Judicial Circuit for which they may be given. The fee for a license shall be five dollars for the first issue and two dollars for each renewal thereof.

“Such license may be in the following form:

“.....COURT.

“....., Esquire, having been examined and found duly qualified and of good moral character, is hereby licensed to practice in the Police and District Courts of the.....Judicial Circuit, as an attorney at law, for the term of two years from date.

“By order of the Court.

“.....,

“Clerk.

“Dated.....

“Section 1074c. No person shall be allowed to practice law in the Police and District Courts of the Kingdom without a license, provided that any person may appear to prosecute or defend his own cause. And Section 1073 of the Civil Code and all other Acts and parts of Acts inconsistent herewith are hereby repealed.”

Approved this 5th day of August, A. D. 1878.

KALAKAUA R.

CHAPTER XXXII.

AN ACT

MAKING SPECIFIC APPROPRIATIONS FOR THE USE OF THE GOVERNMENT DURING THE TWO YEARS WHICH WILL END WITH THE THIRTY-FIRST DAY OF MARCH, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The following sums, amounting to One Million, Four Hundred and Forty-One Thousand, Six Hundred and Ninety-Nine Dollars and Fifty-Six Cents, are hereby appropriated out of any money in the Treasury, for the service of the Biennial Fiscal Period commencing with April 1st, 1878, and ending with March 31st, 1880, viz. :

CIVIL LIST.

His Majesty's Privy Purse and Royal State.....	\$ 45,000 00
Her Majesty the Queen.....	6,000 00
Her Royal Highness the Heir Apparent.....	6,000 00
Travelling Expenses of “ “	3,500 00
His Majesty's Chamberlain and Secretary.....	5,000 00

\$ 65,500 00

PERMANENT SETTLEMENTS.

Her Majesty Queen Emma.....	\$ 12,000 00
His Excellency P. Kanoa	2,400 00
Mathusela Mahuka.....	600 00
Mathusela Mahuka (due and unpaid).....	75 00
	<hr/>
	\$ 15,075 00
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LEGISLATURE AND PRIVY COUNCIL.

Expenses of Legislature of 1878	\$ 16,500 00
Secretary of Privy Council.....	200 00
Incidentals Privy Council.....	100 00
	<hr/>
	\$ 16,800 00
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JUDICIARY DEPARTMENT.

Salary of Chief Justice.....	\$ 12,000 00
“ First Associate.....	10,000 00
“ Second Associate.....	10,000 00
“ Clerk of Supreme Court.....	5,000 00
“ Deputy Clerk	3,000 00
“ Interpreter of Supreme and Police Courts	3,000 00
“ Circuit Judge of Maui.....	4,000 00
Traveling Expenses of Circuit Judge of Maui.....	200 00
Salaries of Circuit Judges of Hawaii.....	3,600 00
Salary of Circuit Judge of Kauai.....	2,000 00
“ Police Justice of Honolulu.....	4,000 00
“ Police Justice of Hilo.....	1,400 00
“ Police Justice of Lahaina.....	1,200 00
“ Police Justice of Wailuku, Maui.....	1,200 00
“ District Judge, North Hilo, Hawaii.....	600 00
“ District Judge of Puna, Hawaii.....	600 00
“ District Judge of Kau, Hawaii.....	600 00
“ District Judge of North and South Kona, Hawaii.....	900 00
“ District Judge of North Kohala, Hawaii.....	600 00
“ District Judge of South Kohala, Hawaii	600 00
“ Do. (due and unpaid).....	75 00
“ District Judge of Hamakua, Hawaii.....	600 00
“ Do. (due and unpaid).....	75 00
“ District Judge of Wailuku, Maui.....	1,000 00
“ Do. (due and unpaid).....	125 00
“ District Judge of Honouaula, Maui.....	400 00

Judiciary Department, continued—

Salary of District Judge of Makawao, Maui.....	\$ 600 00
“ Do. (due and unpaid).....	75 00
“ District Judge of Hana and Kaupo, Maui	800 00
“ Do. (due and unpaid).....	100 00
“ District Judge of Molokai	600 00
“ Do. (due and unpaid).....	75 00
Traveling Expenses of District Judge of Molokai.....	50 00
Salary of District Judge of Lanai.....	400 00
“ Do. (due and unpaid).....	50 00
“ District Judge of Ewa and Waianae, Oahu.....	600 00
“ District Judge of Waialua and Koolauloa, Oahu..	600 00
“ District Judge of Koolaupoko, Oahu.....	600 00
“ District Judge of Hanalei, Kauai.....	600 00
“ Do. (due and unpaid).....	130 00
“ District Judge of Kawaihau, Kauai.....	600 00
“ District Judge of Lihue, Kauai.....	600 00
“ District Judge of Koloa, Kauai.....	600 00
“ District Judge of Waimea, Kauai.....	600 00
“ Clerk of 2d Judicial District.....	400 00
“ Do. (due and unpaid)	50 00
“ 1st Clerk of 3rd Judicial District.....	300 00
“ Do. (due and unpaid)	37 50
“ 2nd Clerk of 3rd Judicial District.....	300 00
“ Clerk of 4th Judicial District.....	300 00
“ Do. (due and unpaid)	75 00
Expenses of Supreme Court.....	2,300 00
Expenses of Witnesses in Criminal Cases—(to be allowed by the presiding Judge at his discretion).....	300 00
Expenses of 2nd Judicial Circuit.....	1,800 00
“ 3rd Judicial Circuit.....	1,800 00
“ 4th Judicial Circuit	800 00
For purchase of Law Books.....	500 00
For Stationery and Incidentals for all the Courts, inclusive of Expenses of Printing and Postage.....	1,200 00
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	\$ 84,617 50
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DEPARTMENT OF WAR.

Support of Military	\$ 60,000 00
Saluting Battery at Kakaako	8,000 00
	<hr/>
	\$ 68,000 00

DEPARTMENT OF FOREIGN AFFAIRS.

Salary of Minister.....	\$ 10,000 00
“ Secretary.....	5,000 00
Office Expenses of Foreign Agents	3,100 00
Postage and Incidentals	2,000 00
Expenses of Foreign Missions.....	6,000 00
Salary of Minister Resident at Washington	10,000 00
Relief and Return of Native Hawaiians from abroad.....	1,500 00
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	\$ 37,600 00

DEPARTMENT OF THE INTERIOR.

Salary of Minister.....	\$ 10,000 00
“ Clerks	9,200 00
“ Governor of Oahu	3,600 00
“ Governor of Maui	3,600 00
“ Governor of Kauai.....	2,400 00
“ Governor of Hawaii.....	3,600 00
“ Clerk of Governor of Oahu.....	800 00
“ Clerk of Governor of Maui	1,200 00
“ Clerk of Governor of Kauai	1,000 00
“ Clerk of Governor of Hawaii.....	1,200 00
“ Jailor of Oahu Prison.....	3,000 00
Salary of Water Superintendent, Clerk of Market, Road Supervisor of the Island of Oahu, and Superintendent of Public Works.....	6,000 00
Clerk to Superintendent of Water Works and Clerk of Markets	2,000 00
Salary of Postmaster-General	5,000 00
“ Clerks of Post Office	5,000 00
Pay of Postmasters	2,400 00
Pay of Mail Carriers.....	9,336 00
Incidentals of Post Office.....	3,920 00
Inner Telegraph Station.....	832 00
Pay of Road Supervisors for Islands, except Oahu	7,000 00
Pay of Keeper of Royal Mausoleum.....	600 00
Pay of Keeper of Lunalilo's Tomb.....	400 00
Expenses of Royal Mausoleum.....	250 00
Pay of Messengers, Aliiolani Hale.....	2,600 00
Incidentals of Interior Department.....	2,000 00
Copying Records of Land Commission.....	3,000 00
Purchase of Road Stock	2,000 00

Department of the Interior, continued—

Road Damages, and no other purpose.....	\$ 8,000 00
Roads and Bridges throughout the Kingdom.....	45,000 00
Leper Establishments.....	65,000 00
Medical Superintendent, Leper Establishments.....	10,000 00
Travelling Physicians.....	10,000 00
General Expenses, Board of Health.....	12,000 00
Quarantine Buildings.....	5,000 00
Insane Asylum, and no other purpose.....	12,000 00
Aid to Queen's Hospital.....	17,500 00
Medical Work for Instruction of Hawaiians.....	1,500 00
Government Survey.....	21,000 00
Government Printing	2,000 00
Support of Prisoners.....	20,000 00
Honolulu Fire Department.....	12,000 00
Interpreting and Translating.....	300 00
Expenses Bureau of Water Works	3,620 00
Repairs of Water Works	5,345 00
Running Expenses of Steamer Pele.....	7,000 00
Anchors, Buoys and Landings	10,000 00
Dredging Honolulu Harbor	5,000 00
Repairs of Wharves, Honolulu.....	15,500 00
Repairs and Running Expenses of the several Lighthouses..	5,000 00
Repairs of and New Government Buildings	28,000 00
New Palace... ..	50,000 00
New Water Works for Honolulu.....	40,000 00
Immigration, Encouragement of.....	50,000 00
Government Library.....	500 00
Rent of Lot in front of Aliiolani Hale to March 31st, 1880...	200 00
Rent of Aienui to March 31st, 1880.....	720 00
Expenses under Act for Filing Certificates of Boundaries in the Interior Office.....	500 00
Relief of Naaikauna.....	76 35
Expenses of Election, and no other purpose.....	500 00
Road Tax, to be expended in district where collected, (estimated).....	65,000 00
Balance of Road Taxes of 1876 and 1877, collected and un- expended, to be disbursed by Minister of Interior, according to Law.....	23,646 80
Preliminary Surveys, etc., for Railroads.....	3,000 00
	\$646,846 15

DEPARTMENT OF FINANCE.

Salary of Minister.....	\$ 10,000 00
“ Registrar of Public Accounts.....	5,000 00
“ Collector General.....	7,000 00
“ Deputy Collector.....	3,600 00
“ Surveyor and Guard.....	2,400 00
“ Storekeeper.....	2,400 00
“ Statistical Clerk.....	3,000 00
“ 2nd Statistical Clerk.....	2,000 00
Salary of Assistant Guards, Honolulu and other Ports, and no other purpose.....	4,000 00
Incidentals of Custom House.....	1,500 00
Salary of Collector of Kahului.....	250 00
“ Collector of Kawaihae.....	300 00
“ Collector of Kealakekua.....	100 00
Custom House Boat.....	800 00
Hospital Funds (estimated Receipts).....	6,000 00
Pay of Tax Assessors, not to exceed 4 per cent.....	15,000 00
Pay of Tax Collectors, not to exceed 4 per cent.....	14,000 00
National Debt falling due.....	68,900 00
National Debt, due and not called for.....	2,000 00
Interest on National Debt.....	85,000 00
Incidentals, Finance Department.....	2,000 00
Printing and Supply of Certificates of Deposit.....	1,200 00
Stamps and Dies.....	800 00
Keeper of Kerosene Warehouse.....	480 00
Keeper of Steamer Warehouse.....	1,200 00
Pay of Tax Appeal Boards.....	1,000 00
Subsidy to Foreign Steam Lines.....	36,000 00
Dog Tags.....	600 00
	<u>\$276,530 00</u>

DEPARTMENT OF ATTORNEY GENERAL.

Salary of Attorney General.....	\$ 10,000 00
“ Clerk to Attorney General.....	4,000 00
“ Marshal.....	7,000 00
“ Sheriff of Hawaii.....	4,000 00
“ Sheriff of Maui.....	4,000 00
“ Sheriff of Kauai.....	3,000 00
“ Clerk of Sheriff of Hawaii.....	1,000 00
“ Clerk of Sheriff of Maui.....	1,000 00

Department of Attorney General, continued—

Police of Hawaii	\$ 18,816 00
Police of Maui	12,720 00
Police of Oahu.....	54,000 00
Police of Kauai.....	5,872 00
Apprehension of Criminals.....	2,000 00
Incidentals of Departments	1,500 00
Expenses of Coroners' Inquests.....	600 00
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	\$129,508 00
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BUREAU OF PUBLIC INSTRUCTION.

Salary of Inspector General.....	\$ 4,800 00
Traveling Expenses of Inspector General.....	1,000 00
Salary of Clerk of Board of Education.....	5,000 00
Support of Hawaiian and English Schools in which, whenever practicable, Girls are to be educated apart from Boys, by Teachers of their own sex. As much of this sum as possible to be devoted to Boarding or Family Schools of any Christian denomination for Girls.....	46,000 00
Support of Common Schools.....	13,000 00
Industrial and Reformatory School.....	10,226 00
Building and Repair of School Houses.....	1,000 00
Scholarships at Oahu College.....	360 00
National Museum.....	1,000 00
Curator of Museum and Librarian, to be an Hawaiian.....	1,200 00
Stationery and Incidentals, Board of Education.....	700 00
Taking Census of 1878.....	4,000 00
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	\$ 88,286 00
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MISCELLANEOUS EXPENDITURES.

Return of Double Taxes, viz.:

To Makini.....	\$ 5 00
To S. E. Bishop.....	112 50
To H. L. and M. E. Bishop.....	37 50
To Jane E. Hillebrand	37 50
To C. H. Alexander.....	75 00
To S. T. Alexander.....	597 60
To Rev. E. Bond	646 81
To C. H. Wetmore	150 00

Miscellaneous Expenditures, continued—

To W. H. Bailey.....	\$ 250 00
To H. H. R. Keelikolani.....	25 00
Relief of A. W. Bush.....	500 00
Author of Kamehameha Hymn	500 00
Centennial Monument	10,000 00
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	\$ 12,936 91
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RECAPITULATION.

Civil List	\$ 65,500 00
Permanent Settlements.....	15,075 00
Legislature and Privy Council.....	16,800 00
Judiciary Department	84,617 50
Department of War	68,000 00
Department of Foreign Affairs.....	37,600 00
Department of the Interior.....	646,846 15
Department of Finance.....	276,530 00
Department of the Attorney General.....	129,508 00
Bureau of Public Instruction.....	88,286 00
Miscellaneous Expenditures	12,936 91
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	\$1,441,699 56

SEC. 2. The Minister of Finance shall credit the appropriations of the last Biennial Fiscal Period, all the amounts appropriated by the Act, approved on the 29th day of September, A. D. 1876, and remaining unexpended on the 31st day of March, A. D. 1878, not otherwise re-appropriated, and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SEC. 3. The Minister of Finance shall continue to pay the salaries appropriated by this Act, the compensation of soldiers and constables, the compensation of school teachers and the current expenses of the Bureau of Education, the Board of Health, the expenses of the Fire Department, of the Supreme and Circuit Courts, Government Stocks and the

interest accruing thereon, until the 30th day of June, A. D. 1880, unless new appropriations are made before that date.

SEC. 4. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for objects not provided for by this law.

SEC. 5. It shall be lawful for the heads of Departments, in cases where special appropriations may fall short, to apply to the same the surplus of other special appropriations in the same Department not required to be expended, so as to make up the deficiency, each head of Department duly accounting to the Legislature for such transfer.

SEC. 6. This Act shall take effect from and after the date of its passage.

Approved this 5th day of August, A. D. 1878.

KALAKAUA R.

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